

## REMARKS

In addition to newly submitted Independent claim 17 defining observable patient indications and medically accepted procedures, attached is a Declaration by William M. Blackshear, Jr. unequivocally predating the instant 5 invention over Crutchfield, US 6,699,193.

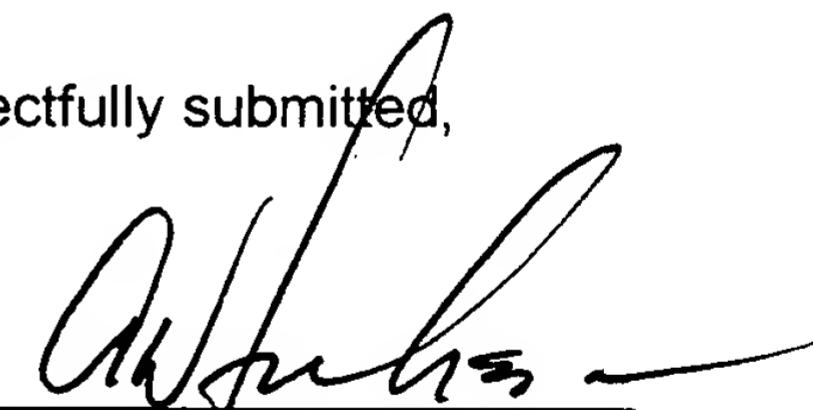
**Attached is also a complete listing of all claims in ascending numerical order. Each claim has been provided with the proper status identifier.**

In view of the amendment contained herein and the Declaration in 10 support thereof, allowance of this application is respectfully requested.

Notwithstanding, in the event that this response does not completely and fully address the matters and issues set forth in the outstanding Office Action, Examiner Rines is invited to contact Applicant's attorney by telephone in order to expeditiously conclude this prosecution.

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Respectfully submitted,



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